

Town Council Meeting: 12 April 2010



Town of Garrett Park
PO Box 84
4600 Waverly Avenue
Garrett Park, MD 20896

Regular Meeting of Town Council
Garrett Park Town Hall
10814 Kenilworth Avenue
Garrett Park, MD 20896

MINUTES

Call to Order: Mayor Keller called the meeting to order at 8:10 PM. Present were Councilmembers Irons, Petito, Schulp, and Wegner. (Councilmember Mandel joined the meeting at 9:00 PM) Also present was Administrator Pratt, Ken Schwartz for the *Bugle*, and a number of residents and guests.

Approval of Agenda: Mayor Keller asked that the agenda be rearranged to delay the variance hearing so that Councilmember Mandel could participate. Councilmember Sculp noted the need for an executive session after the close of the regular meeting so that he and Councilmember Petito could report on their negotiations with the Garrett Park Cooperative Nursery School (Nursery School). The revised agenda was approved without objection.

Presentations by Residents:

- Resident Jean Horan reminded the Council of the upcoming plant swap on the Penn Place basketball court on May 1st, and urged residents to be sure to sign up for the Progressive Dinner on May 22nd.
- Resident Tara Flynn, speaking on behalf of the Nursery School, thanked the Council for its support in the school's efforts to have the Community Center renovation project include in this year's bond bill.

Mayor's Report:

- Mayor Keller reported that a Town resident had volunteered to work with him on resolving a number of issues with the Garrett Park Post Office: the curtailed hours, the lack of local bulk mailing, the need to provide for some form parcel collection when the counter is closed but postal workers are still in the Post Office, as well as a greater sensitivity to the needs of the community.
- The Mayor noted that negotiations with the Parks Department on the transfer of ownership of the Community Center to the Town were progressing well and that the objective of a deed that gave the Town clear title to the property, free and clear of all old covenants, appeared achievable.
- Mayor Keller reminded the Council that Montgomery County Council member Roger Berliner would be holding a neighborhood meeting in the Town Hall next Monday night.

Councilmember's Reports on Areas of Responsibility

- Councilmember Irons reported that the Land Use Task Force was working on developing its report to the Council, expecting to complete the report in June or July.

Approval of Minutes:

- Approval of the 03/08/2010 Regular Council Meeting minutes was deferred.

Action/Discussion:

- Archives Committee Report – Marian Green, acting Chair of the Archives Committee, delivered a report to the Council (attached to these minutes). There was discussion about formally creating the Archives Committee through an ordinance in the manner that the Historic Preservation and Archives Committees were created.
- Declaration of Surplus Equipment: 1993 Chevrolet Pickup Truck – Mayor Keller, noting that it was soon to be replaced by a new truck, asked for a motion to declare the Town's 1993 Chevrolet pickup truck declared surplus. Councilmember Wegner **MOVED**

That the 1993 Chevrolet pickup truck be declared surplus and that the when the replacement truck is placed in service that the Town Administrator be authorized to seek bids and sell it to the highest bidder. The motion was seconded by Councilmember Irons and **PASSED** unanimously.

(Councilmember Mandel joined the meeting at this point)

- Adoption of Ordinance 2010-02: The FY 2011 Operating & Capital Budget & Setting of Tax Rate (Unchanged) – Mayor Keller asked for a motion to adopt the FY 2011 budget ordinance. Councilmember Irons **MOVED**

That the Council adopt Ordinance 2010-02, the FY 2011 Operating and Capital Budget, and that the real property tax rate remain unchanged at 19.2 cents per \$100 of 100% of assessed value, that the personal and corporate tax rate remain unchanged at \$1.00 per 100% of assessed value, and that the municipal refuse disposal fee be set at \$345 per household. The motion was seconded by Councilmember Wegner. Councilmember Schulp noted that he wanted to revisit the salary, accrued leave, and capital accounts. Mayor Keller said that he would schedule a workshop to review the budget, and that changes could be made before it went into effect. There was discussion. Mayor Keller then called for the vote and the motion **PASSED** unanimously.

Variance Hearing:

- 10901 Raleigh Avenue: Joseph: Relief from 403c (1.1.3) Lot coverage-small lot – Mayor Keller called the hearing to order and asked Councilmember Irons to proceed. Councilmember Irons stated the variance request for the record (application is attached to these minutes) and called for Harry Gordon, Chair of the Setback Advisory Committee

(SAC), to present the Committee's report. Mr. Gordon presented the report (attached to these minutes) and discussed the SAC's report with the Council. Councilmember Irons then called for the applicant to make a presentation and Mr. Tom Wheeler, the architect for the Josephs made a presentation to the Council and responded to questions. Two neighbors, Mary Ruttkay and Jean Horan rose to express support for the project and Councilmember Irons noted that Michael Ionno, a direct abutter, had sent the Town an email also expressing his support. Councilmember Schulp read a letter from neighbors Art and Judy Heyman that also supported the project. There was extended discussion. Councilmember Irons **MOVED**

That the matter be referred to the Town's attorney to draft an opinion of approval (attached to these minutes) including the finding of facts and conclusions of law. Councilmember Schulp seconded the motion, which was **PASSED** unanimously.

Town Administrator Report:

- Monthly Financial Report - Administrator Pratt reviewed the monthly financial report with the Council.
- Annual Election Nominations - Administrator Pratt reported that Mayor Keller and Councilmembers Irons and Wegner had been nominated for reelection at the March 31st Citizens Association Meeting, and that residents Chuck Berry and Bill Rivers had submitted nominating petitions that met the necessary qualifications, so that four individuals would be running for the two Council seats up for election on Mar 3rd, and that Mayor Keller was unopposed.

Adjournment:

- Councilmember Petito **MOVED**

That the Council go into executive session at the close of the regular meeting to consider the acquisition of real property for a public purpose and matters directly related thereto (the executive session form is attached to these minutes). Councilmember Irons seconded the motion, which **PASSED** unanimously.

- The meeting adjourned at 10:00 PM.

Respectfully submitted,

[TOWN SEAL]

Edwin Pratt, Jr.

Edwin Pratt, Jr., Clerk-Treasurer

Interim Archives Committee proposal to the Town Council

March 23, 2010

The interim advisory committee for the Garrett Park Town Archives, created by Barbara Shidler on her retirement as Town Archivist, recommends to the Town Council as follows:

That the Town Council appoint an official standing Town archives committee made up of town residents, and, if needed, former residents, to preserve and maintain the Town's documents, oral histories and other historical material.

That the Council declare that the existence and preservation of a Town Archives is an essential part of Town governance, for legal and other reasons, and that the preservation of the Town's heritage through the archives and other such activities be an essential part of Town life.

That the committee be charged with four initial tasks:

1. To maintain and safeguard the existing archives from physical deterioration and damage; to solicit additional material with special focus on oral histories, and to facilitate the archives' use by interested parties.
2. To find ways to improve the physical space occupied by the archives and seek additional space for the collection.
3. To solicit volunteers from the town and outside the Town to work on collecting, organizing, preserving and maintaining the archives in support of the standing committee.
4. To seek and hire a part time archives clerk to work on the archives on a regular basis, approximately 20 hours per month to start. Without an archivist to establish policy and provide leadership and guidance to volunteers, we fear that the collection and organization of materials may lack effectiveness and, the opportunities for solicitation and production of oral histories and other time-sensitive opportunities may be lost.

That the council establish a regular budget line to finance the work needed to maintain the archives, and that the annual budget be approved by the Town Council at the recommendation of the standing committee.

That the committee be known as the Barbara Shidler Garrett Park Archives Committee, and informally as the Archives Committee.

That the \$5,000 appropriated for oral histories, which the Town Council has already approved, be part of a revolving fund that does not expire at the end of the current fiscal year.

Town of Garrett Park

FY 2011 OPERATING & CAPITAL BUDGET

Ordinance 2010-02

Adopted

April 12, 2010

TOWN OF GARRETT PARK

FY 2011 Operating & Capital Budget

April 12, 2010

INCREASE DECREASE UNCHANGED

RECEIPTS	FY 2010 Budget Ord 2010-01	Change	FY 2011 Budget Ord 2010-02	% Change
<u>1000 - Taxes & Fees</u>	<u>\$626,300</u>	<u>\$5,500</u>	<u>\$631,800</u>	<u>1%</u>
1100 -- Local Property Taxes	\$451,500	\$5,850	\$457,350	1%
1110 -- Real Property Taxes	\$440,000	\$5,000	\$445,000	1%
1120 -- Personal Property Taxes	\$10,600	\$500	\$11,100	5%
1170 -- Penalties & Interest	\$800	\$200	\$1,000	25%
1180 -- Homestead Tax Credit	\$100	\$150	\$250	150%
1200 -- Local Income Taxes	\$165,000	\$0	\$165,000	0%
1300 -- Other Local Taxes	\$0	\$0	\$0	0%
1400 -- Licenses and Permits	\$9,800	(\$350)	\$9,450	-4%
<u>2000 - Intergovernmental Revenues</u>	<u>\$90,600</u>	<u>(\$36,800)</u>	<u>\$53,800</u>	<u>-41%</u>
2200 -- From State of Maryland	\$40,450	(\$35,950)	\$4,500	-89%
2300 -- From Montgomery County	\$50,150	(\$850)	\$49,300	-2%
<u>3000 - Services Charges</u>	<u>\$127,350</u>	<u>(\$3,300)</u>	<u>\$124,050</u>	<u>-3%</u>
3100 -- General Government Charges	\$550	\$0	\$550	0%
3200 -- Municipal Refuse Collection Fees	\$126,800	(\$3,300)	\$123,500	-3%
<u>4000 - Fines & Forfeitures</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>0%</u>
<u>5000 - Miscellaneous Receipts</u>	<u>\$138,650</u>	<u>\$1,950</u>	<u>\$140,600</u>	<u>1%</u>
5100 -- Investment Earnings	\$1,500	(\$500)	\$1,000	-33%
5200 -- Rents and Concessions	\$122,050	\$2,450	\$124,500	2%
5210 -- Town Hall Rents	\$17,900	\$100	\$18,000	1%
5220 -- Penn Place Rents	\$102,225	\$2,175	\$104,400	2%
5230 -- Swimming Pool Association	\$1,925	\$175	\$2,100	9%
5300 -- Contributions & Donations	\$15,000	\$0	\$15,000	0%
5500 -- Sale of Property	\$100	\$0	\$100	0%
5900 -- Miscellaneous - Other	\$0	\$0	\$0	0%
Annual Operating Receipts:	\$982,900	(\$32,650)	\$950,250	-3.3%
<u>9000 - Transfers In</u>	<u>\$165,675</u>	<u>(\$26,535)</u>	<u>\$139,140</u>	<u>-16%</u>
Total Receipts & Transfers:	\$1,148,575	(\$59,185)	\$1,089,390	-5%

TOWN OF GARRETT PARK

FY 2011 Operating & Capital Budget

EXPENDITURES	INCREASE	DECREASE	UNCHANGED	% Change
	FY 2010 Budget Ord. 2010-01	Changes	FY 2011 Budget Ord. 2010-02	
<u>10000 - Personnel</u>	<u>\$368,850</u>	<u>\$6,150</u>	<u>\$375,000</u>	<u>2%</u>
10100 -- Salaries	\$246,700	\$13,300	\$260,000	5%
10200 -- Overtime	\$5,000	\$0	\$5,000	0%
10300 -- Benefits	\$91,900	(\$8,550)	\$83,350	-9%
10400 -- Payroll Taxes, Etc.	\$25,250	\$1,400	\$26,650	6%
<u>11000 - Town Administration</u>	<u>\$111,400</u>	<u>(\$5,900)</u>	<u>\$105,500</u>	<u>-5%</u>
11100 -- Elected & Appointed Officials	\$10,500	(\$5,500)	\$5,000	-52%
11200 -- Elections	\$1,500	\$100	\$1,600	7%
11300 -- Archives & Public Records	\$21,000	\$9,000	\$30,000	43%
11400 -- General Admin. Expenses	\$22,500	\$0	\$22,500	0%
11700 -- Professional Fees	\$45,400	(\$11,400)	\$34,000	-25%
11800 -- Insurance	\$9,000	\$1,400	\$10,400	16%
11900 -- Town Administration - Other	\$1,500	\$500	\$2,000	33%
<u>12000 - Sponsorships, Subscriptions, Dues</u>	<u>\$10,500</u>	<u>(\$5,000)</u>	<u>\$5,500</u>	<u>-48%</u>
12100 -- Membership Dues	\$3,200	\$300	\$3,500	9%
12200 -- Sponsorships	\$7,100	(\$5,300)	\$1,800	-75%
12300 -- Subscriptions	\$200	\$0	\$200	0%
<u>13000 - Building & Grounds</u>	<u>\$105,250</u>	<u>(\$5,250)</u>	<u>\$100,000</u>	<u>-5%</u>
13100 -- Buildings & Grounds Admin.	\$2,000	(\$1,000)	\$1,000	-50%
13200 -- Penn Place	\$76,550	\$150	\$76,700	0%
13300 -- Town Hall	\$12,700	\$600	\$13,300	5%
13400 -- Maintenance Facility	\$7,500	\$1,500	\$9,000	20%
13500 -- Community Center	\$6,500	(\$6,500)	\$0	-100%
<u>14000 - Town Services</u>	<u>\$223,400</u>	<u>\$13,600</u>	<u>\$237,000</u>	<u>6%</u>
14100 -- Roads & Sidewalks	\$63,650	\$8,850	\$72,500	14%
14200 -- Stormwater Drainage	\$3,000	\$0	\$3,000	0%
14300 -- Municipal Refuse Removal	\$121,800	\$1,700	\$123,500	1%
14400 -- Arboretum	\$27,550	\$2,450	\$30,000	9%
14500 -- Fees	\$1,250	\$50	\$1,300	4%
14600 -- Parks	\$6,150	\$550	\$6,700	9%
<u>16000 - Equipment Maint. & Repair</u>	<u>\$13,250</u>	<u>\$1,250</u>	<u>\$14,500</u>	<u>9%</u>

<u>17000 - Publication Expenses</u>	<u>\$2,500</u>	<u>(\$1,500)</u>	<u>\$1,000</u>	<u>-60%</u>
<u>18000 - Conferences & Conventions</u>	<u>\$2,500</u>	<u>\$0</u>	<u>\$2,500</u>	<u>0%</u>
<u>19000 - Contingency</u>	<u>\$30,000</u>	<u>\$0</u>	<u>\$30,000</u>	<u>0%</u>
<u>20000 - Interest, Depreciation, Debt</u>	<u>\$61,525</u>	<u>(\$1,135)</u>	<u>\$60,390</u>	<u>-2%</u>
<u>21000 - Taxes & Bad Debt</u>	<u>\$3,200</u>	<u>(\$200)</u>	<u>\$3,000</u>	<u>-6%</u>
Total Operating Expense:	\$932,375	\$2,015	\$934,390	0.2%
<u>23000 - Transfer to Capital Project Fund*</u>	<u>\$166,200</u>	<u>(\$11,200)</u>	<u>\$155,000</u>	<u>-7%</u>
<u>25000 - Transfer to Operating Reserve</u>	<u>\$50,000</u>	<u>(\$50,000)</u>	<u>\$0</u>	<u>-100%</u>
Expenses: Budgeted:	\$1,148,575	(\$59,185)	\$1,089,390	-5.2%

TOWN OF GARRETT PARK
FY 2011 Capital Budget & Program
Capital Budget

Account	INCREASE		DECREASE		UNCHANGED		
	FY 2009	FY 2010				FY 2011	
	Prior Year Appropriations	Capital Budget	Total Capital Appropriations	Capital Expenditure	Remaining Appropriations	Comparison FY 2010 to FY 2011	Proposed Capital Budget
	06/30/09	Ord. 2010-01		02/15/10	02/15/10		Ord 2010-02
<u>23000 - CAPITAL BUDGET</u>	<u>\$29,433</u>	<u>\$166,200</u>	<u>\$195,633</u>	<u>\$115,857</u>	<u>\$79,776</u>	<u>(\$7,841)</u>	<u>\$155,000</u>
23100 - Capital Purchases	\$121	\$30,000	\$30,121	\$3,480	\$26,641	(\$21,641)	\$5,000
23150 - Capital Equipment	\$121	\$30,000	\$30,121	\$3,480	\$26,641	(\$21,641)	\$5,000
23200 - Capital Construction	\$25,771	\$81,200	\$106,971	\$60,796	\$46,175	\$53,800	\$135,000
23210 - Construction: Facilities	\$16,215	\$15,000	\$31,215	\$0	\$31,215	\$15,000	\$30,000
23220 - Construction: Streets	\$878	\$12,100	\$12,978	\$12,079	\$899	(\$2,100)	\$10,000
23230 - Construction: Utilities	\$0	\$0	\$0	\$0	\$0	\$0	\$0
23240 - Construction: Sidewalks	\$0	\$0	\$0	\$0	\$0	\$0	\$0
23250 - Construction: Storm Drains	\$8,000	\$20,000	\$28,000	\$14,975	\$13,025	\$65,000	\$85,000
23260 - Construction: Parks	\$678	\$34,100	\$34,778	\$33,742	\$1,036	(\$24,100)	\$10,000
23290 - Construction: Other	\$0	\$0	\$0	\$0	\$0	\$0	\$0
23300 - Arboretum Capital Expense	\$3,541	\$5,000	\$8,541	\$1,581	\$6,960	\$0	\$5,000
23800 - Capital Planning Expense	\$0	\$0	\$0	\$0	\$0	\$10,000	\$10,000
23900 - Capital Budget Contingency	\$0	\$50,000	\$50,000	\$50,000	\$0	(\$50,000)	\$0

Capital Program

Project	FY 2010					FY 2011	
	Total Capital Program	Capital Expenditure	Remaining Appropriat ion	Anticipated Add'l FY 2010 Capital Expenditure	Est. Capital Appropri ation	Proposed Capital Budget	Projected Total Appropriati on
	02/08/10	02/15/10	02/15/10		6/30/10	Ord. 2010- 01	04/12/10
CAPITAL PROGRAM	\$195,633	\$115,857	\$72,816	\$60,723	\$12,093	\$155,000	\$167,093
Capital Purchases	\$30,121	\$3,480	\$26,641	\$26,641	\$0	\$5,000	\$5,000
Pickup Truck w/Plow (FY10)	\$30,121	\$3,480	\$26,641	\$26,641	\$0	\$0	\$0
Bumper Mounted Sander (FY11)						\$5,000	\$5,000
Capital Construction	\$106,971	\$60,796	\$46,175	\$34,082	\$12,093	\$135,000	\$147,093
Cambria Park POS Project (FY08, FY09)	\$4,778	\$4,626	\$152	\$152	\$0	\$0	\$0
Cambria Park Playground (FY10)	\$25,000	\$24,116	\$884	\$884	\$0	\$0	\$0
Cambria Tennis Court (FY11)	\$0	\$0	\$0	\$0	\$0	\$5,000	\$5,000
North Kenilworth Drain Repairs (FY09, FY10)	\$23,000	\$14,975	\$8,025	\$8,025	\$0	\$75,000	\$75,000
Shelley Court Drain Repairs (FY11)	\$5,000	\$0	\$5,000	\$5,000	\$0	\$10,000	\$10,000
Penn Place Exterior Repairs (FY10)	\$15,000	\$0	\$15,000	\$15,000	\$0	\$15,000	\$15,000
Town Hall (CIP, p17)(FY10)	\$17,093	\$0	\$17,093	\$5,000	\$12,093	\$15,000	\$27,093
Yeandle Park (FY10)	\$5,000	\$5,000	\$0	\$0	\$0	\$5,000	\$5,000
Street Rehabilitation (FY09, FY10)	\$12,100	\$12,079	\$21	\$21	\$0	\$10,000	\$10,000
Arboretum Capital Expense	\$8,541	\$1,581	\$6,960	\$6,960	\$0	\$5,000	\$5,000
Capital Planning	\$0	\$0	\$0	\$0	\$0	\$10,000	\$10,000
Capital Contingency	\$50,000	\$50,000	\$0	\$0	\$0	\$0	\$0

Public Body: **Town Council**

Date: **12 April 2010**

Attendance: **Councilmembers Irons, Mandel, Petito, Schulp, and Wegner**

Motion By: **Councilmember Petito** Second: **Councilmember Irons**

Vote: **5 Aye, 0 Nay**

Place: **Town Hall, 10814 Kenilworth Ave., Garrett Park, MD 20896**

Time: **9:57 PM**

Authority: Annotated Code of Maryland, State Government Article: Section 10-508 (a)

Reasons For Closing Meeting

- [] 1. To discuss:
 - (i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or
 - (ii) any other personnel matter that affects one or more specific individuals.
- [] 2. To protect the privacy or reputation of individuals with respect to a matter that is not related to public business.
- [X] 3. **To consider the acquisition of real property for a public purpose and matters directly related thereto.**
- [] 4. To consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State.
- [] 5. To consider the investment of public funds.
- [] 6. To consider the marketing of public securities.
- [] 7. To consult with counsel to obtain legal advice on a legal matter.
- [] 8. To consult with staff, consultants, or other individuals about pending or potential litigation.
- [] 9. To conduct collective bargaining negotiations or consider matters that relate to the negotiations.
- [] 10. To discuss public security, if the public body determines that public discussions would constitute a risk to the public or public security, including:
 - (i) the deployment of fire and police services and staff; and
 - (ii) the development and implementation of emergency plans.
- [] 11. To prepare, administrate, or grade a scholastic, licensing, or qualifying examination.
- [] 12. To conduct or discuss an investigative proceeding on actual or possible criminal conduct.
- [] 13. To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.
- [] 14. Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.